

H.B. 338

EMERGENCY ROOM TORT REFORM

HOUSE FLOOR AMENDMENTS

AMENDMENT 1

FEBRUARY 15, 2007 11:02 AM

Representative **Lorie D. Fowlke** proposes the following amendments:

1. *Page 1, Lines 15 through 17:*

- 15 ▶ establishes a standard of proof of clear and convincing evidence for malpractice
16 actions based on emergency care received in an emergency room; {~~and~~}
- 17 ▶ applies the standard of clear and convincing evidence after May 15, 2007 {~~.~~} ; and
 ▶ sunsets the standard of proof on July 1, 2011.

2. *Page 1, Line 22:*

22 Utah Code Sections Affected:

AMENDS:

63-55-213, as last amended by Chapter 82, Laws of Utah 2006

3. *Page 2, Lines 41 through 43:*

- 41 (d) "Fault" is defined in Section 78-27-37.
- 42 (e) "Health care provider" {~~is defined in Section 78-14-3~~} means a physician licensed under
either Title 58, Chapter 67, Utah Medical Practice Act, or Title 58, Chapter 68, Utah Osteopathic
Medical Practices Act .
- 43 (2) A health care provider who, in good faith, provides or is consulted to provide

4. *Page 2, Line 57:*

- 57 (b) applies to emergency care given after May 15, 2007.
- = Section 2. Section 63-55-213 is amended to read:
63-55-213. Repeal dates, Title 13.
- = (1) Title 13, Chapter 16, Motor Fuel Marketing Act, is repealed July 1, 2007.
- = (2) Section 58-13-2.5 is repealed July 1, 2011.